

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**APRIL CLINCY AND SEGGIE
MCCLENDON, JR., *Individually and
On behalf of themselves and those similarly
situated***

PLAINTIFFS

V.

CAUSE NO. 3:14-CV-959-CWR-FKB

**RAMELLI GROUP, LLC; RAMELLI
WASTE, LLC; JACKSON/RAMELLI,
LLC; RKC, LLC; ROBERT RAMELLI,
Individually; DAVID STARKS, *Individually*;
and FREDDIE HOLLINS, *Individually***

DEFENDANTS

ORDER

Before the Court is the Parties' *Joint Amended Stipulation Regarding Conditional Certification*. Docket No. 87.

The Fair Labor Standards Act (FLSA) requires covered employers to compensate nonexempt employees at overtime rates for hours worked in excess of 40 hours per week. *Santinac v. Worldwide Labor Support of Illinois, Inc.*, 107 F. Supp. 3d 610, 614 (S.D. Miss. 2015) (citing 29 U.S.C. § 207(a)). When an employer fails to pay overtime rates, “the FLSA permits an employee to bring suit against an employer ‘for and on behalf of himself . . . and others employees similarly situated.’” *Id.* (quoting 29 U.S.C. § 216(b)). “Plaintiffs who desire to join in a collective action must opt in to the case and be bound by a judgment, unlike plaintiffs in a Rule 23 class action who essentially opt out.” *Harris v. Hinds County, Miss.*, No. 3:12-CV-542-CWR-LRA, 2014 WL 457913, at *1 (S.D. Miss. Feb. 4, 2014) (citation and quotation marks omitted).

“District courts have discretion in determining whether to order court-supervised notice to prospective plaintiffs” by certifying the class in two stages: the notice stage and the merit stage. *Id.*; *Santinac*, 107 F. Supp. 3d at 614. If the court certifies the class, “putative class members are given notice, an opportunity to opt in to the litigation, and adequate time for discovery.” *Harris*, 2014 WL 457913 at *2 (citing *Mooney v. Aramco Svcs. Co.*, 54 F.3d 1207, 1214 (5th Cir. 1995)). “Plaintiffs can achieve notice with nothing more than substantial allegations that the putative class members were together the victims of a single decision, policy, or plan infected by discrimination.” *Id.* (citation and quotation marks omitted).

Here, the parties have stipulated that the plaintiffs have met their low burden required to achieve conditional certification at the notice stage.

Accordingly, the Court approves the conditional certification of the collective class and the notice included therewith in accordance with the terms outlined in the Joint Stipulation.

SO ORDERED, this the 27th day of April 2016.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE